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TO

Amend the Laws relating to Civil Bill Courts in Ireland.

A.D. 1892.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall apply to Ireland only, and shall be read and construed with the County Officers and Courts (Ireland) Act, 1877 (in this Act called the "principal Act"), and may be cited as the County Courts (Ireland) Amendment Act, 1892.
2. In any case in which the plaintiff has issued a process in accordance with the provisions of section fifty-nine of the principal Act, if the period of seven days in the said section limited for giving notice of defence expires, without such notice having been given, at a time when the court is not sitting, or more than *fourteen days* before the next ensuing sessions, a decree may be entered up in the prescribed manner in the office of the clerk of the peace for the amount of the plaintiff's claim and costs, and such decree shall have the same effect and, subject to rules and orders under this Act, may be reheard or appealed against in like manner as if made by the judge.
- 3.—(1.) In any case in which a plaintiff is entitled to proceed under section fifty-nine of the principal Act he may serve, together with the process, a notice in writing in the prescribed form signed by himself or his solicitor, stating that he intends to rely in proof of his claim upon an affidavit made by himself or some other person therein mentioned, and calling upon the defendant to state whether he requires the personal attendance of the plaintiff or of any witness on his behalf at the hearing.

Application of Act and short title. 40 & 41 Vict. c. 55.

Decree by default may be entered up in office of clerk of the peace.

Proceedings upon notice of intention to rely upon affidavit.

[Bill 313.]

A.D. 1892.

(2.) If the defendant requires such attendance he shall, within seven days after service of the process, inclusive of the day of service, give notice by post or otherwise in writing signed by himself or his solicitor, to the plaintiff or his solicitor, that he so requires, and in that event the case shall be tried and determined in the same manner as heretofore. 5

(3.) If in the opinion of the judge the defendant was not justified in requiring the attendance of any witness he may make such order respecting the costs and expenses incurred by such attendance as he thinks just. 10

(4.) In the event of no such notice as aforesaid being so given by the defendant the judge may, if he thinks fit, upon reading such affidavit, and such additional affidavits (if any) as he may require to be made, and upon hearing the evidence (if any) adduced on behalf of the defendant, make such decree, order, or dismiss, as he thinks fit. 15

Decrees and dismissals to be sealed with official seal.

4.—(1.) There shall be for every county a separate official seal of the civil bill court, and the clerk of the peace shall affix such seal to every decree, order, and dismiss of the court made in the county.

(2.) Every decree order and dismiss so sealed shall, subject to any order made on appeal, be valid for all purposes, and it shall not be necessary for the judge to sign the same. 20

(3.) Judicial notice shall be taken by all courts of law of the said official seals and any decree, order, or dismiss purporting to be sealed with any such seal shall be admissible in evidence, and if a copy, shall be admissible in like manner as the original. 25

Attachment of debts.

5. Upon the application of any person having obtained a decree or order of a civil bill court or a judgment or order of the High Court for the recovery by or payment to him of any sum of money, whether by way of debt or damages, not exceeding, in the case of a judgment or order of the High Court, the sum of *fifty pounds*, the judge may, where the execution debtor resides within the jurisdiction of his court, make an order for the attachment of any debt owing or accruing to such execution debtor from any person residing within the same jurisdiction in like manner, subject to rules and orders under this Act, as orders for the attachment of debts are made by the High Court. 30

Rules.

6. The power of making rules and orders conferred by section seventy-nine of the principal Act shall be exercised for the purpose of carrying this Act into effect. 40

7. In this Act the expression "prescribed" means prescribed by A.D. 1898.
rules and orders under this Act, the expression "judge" means Definitions.
county court judge, and includes a recorder, and the expression
"clerk of the peace" includes clerk of the Crown and peace where
5 the offices have been united.

**Civil Bill Courts
(Ireland).**

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**To amend the Laws relating to Civil
Bill Courts in Ireland.**

*(Proposed and brought in by
Mr. Attorney-General for Ireland and
Mr. Arthur.)*

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